

REMARKS

I. The Subject Matter of the Claims

In general, the subject matter of the claims relates to a process for producing modified human pluripotent Granulocyte colony stimulating factor (hpG-CSF) polypeptides. The foregoing amendment is in the revised amendment format as provided in 1267 OG 106. Accordingly, the provisions of 37 C.F.R. § 1.21, requiring submission of clean and marked-up versions of the replacement paragraphs and claims, are waived.

II. Amendments

Claim 45 has been amended to correct a spelling error, amending [Met.⁻¹] to correctly recite [Met⁻¹]. The present amendment includes no new matter.

III. Patentability Arguments

A. The Rejection of Claim 45 under the Doctrine of Nonstatutory Double Patenting, May Properly be Withdrawn

The Examiner rejected present claim 45 under the doctrine of nonstatutory double patenting in view of claims 15 and 28-30 of U.S. Patent No 4,810,643, claim 5 of U.S. Patent No. 4,999,291, and claims 1-4 of U.S. Patent No 5,830,705. Applicants submit herewith a Terminal Disclaimer under 37 C.F.R. 1.321 which obviates the examiner's rejection.

Applicants submit that the application is now in condition for allowance and respectfully request expedited notification of the same.

Pursuant to 37 C.F.R. §1.136 (a), included herewith is a check in the amount of \$520.00 which covers the fee for a Petition for a two-month Extension of Time and the required terminal disclaimer fee under 37 C.F.R. 1.20(d).

No other fees are believed due in connection with the filing of this response, however, should any additional fees be deemed necessary, the Assistant Commissioner is hereby authorized to deduct any such fees from Marshall, Gerstein and Borun account number 13-2855.

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Respectfully submitted,

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